

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PABLO HUGO LOPEZ VASQUEZ,

Petitioner,

v.

CHARLES GREEN,

Respondent.

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Civil Action No. 16-8343 (JMV)

OPINION

APPEARANCES:

Pablo Hugo Lopez Vasquez
Essex County Correctional Facility
354 Doremus Avenue
Newark, NJ 07105
acting *Pro Se*

Jordan Milowe Anger
Office of the U.S. Attorney
970 Broad Street, 7th Floor
Newark, NJ 07102
on behalf of Respondent

VAZQUEZ, United States District Judge

On November 7, 2016, Petitioner, acting *pro se*, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (ECF No. 1), challenging his prolonged detention by U.S. Immigration and Customs Enforcement (“ICE”). The Court ordered Respondent to answer the petition. (ECF No. 2.) On December 8, 2016, Respondent informed the Court that Petitioner had been removed from the United States. (ECF No. 3.) On January 19, 2017, Respondent filed the Declaration of Jordan M. Anger with Petitioner’s Form I-205, which indicates that Petitioner was

removed from the United States on November 30, 2016. (ECF No. 5 at 4.) Respondent contends the habeas petition is moot. (*Id.* at 1.)

A habeas petition “generally becomes moot when [a petitioner] is released from custody” because there is no longer “an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Vasquez v. Aviles*, 639 F. App’x 898, 902 (3d Cir. 2016) (quoting *DeFoy v. McCullough*, 393 F.3d 439, 442 (3d Cir. 2005)). The present petition no longer presents a case or controversy under Article III, § 2 of the United States Constitution because Petitioner is no longer detained by ICE. *See id.* (finding petition moot where there were no collateral consequences that could be addressed by success on the petition after removal) (citing *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007)). Therefore, the petition is dismissed as moot.

An appropriate Order follows.

Date: February 7, 2017
At Newark, New Jersey

s/ John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge